**IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH**
**AT HYDERABAD**

(Special Original Jurisdiction)

THURSDAY, THE TWENTY FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

**THE HON'BLE MR JUSTICE ELIPE DHARMA RAO**

**WRIT PETITION NO : 15958 of 2005**

Between:

1 Meka Prasad, S/o Venkateshwarlu
R/o Gokavaram Village, Bandar Mandal, Krishna District
2 V.V.V. Satyanarayana S/o Veera raghavaiah
R/o Gokavaram panchayat Vadarevupalem, Krishna District
3 B. Arjunamma W/o Venkateshwar Rao
R/o Gokavaram Panchayat, Baduguvanipalem, Bandar (M),
Krishna District
4 Vikkurthi Sudha Rani W/o Venkateshwar Rao
R/o Gokavaram Gram Panchayat Vadarevupalem, Bandar (M), Krishna
5 P. Prasad, S/o P. Ramulu
R/o Patareddipalem, Godavaram Gram Panchayat,

Bandar (M), Krishna District
6 Olati Venkateshwar Reddy
R/o Patareddipalem, Gokavaram Bandar (M), Krishna District

**.....PETITIONERS**

AND

1 District Colelctor-cum-District Magistrate, Krishna District
2 Gokavaram Grampanchayat rep by Sarpanch, Sri Vemuri

Venkata Krishna, S/o Narasimhulu, Cultivation

R/o Gokavaram, Bandar Mandal, Krishna District
3 District Panchayast Officer, District Panchyat Office,

Krishna District, Machilipatnam

**.....RESPONDENTS**

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an

appropriate order or direction more particularly one in the nature of Writ of Mandmaus declaring that the resolution passed by the 2nd respondent NO. 10. dt 28-03-2005 resolving to construct the Gram Panchayat Office at Kothareddipalem, Hamlet of Gokavaram Village panchayat and trying to proceed with the construction pursuant to the said resolution pending disposal of the appeal before first respondent as illegal and arbitrary and set-aside the same and consequently direct the first respondent herein to call for a meeting of Gram Sabha of all the members of the villages and to take final decision on the basis of result of the meeting.

**Counsel for the Petitioner: MR.P.R.PRASAD**

**Counsel for the Respondent Nos 1&3.: GP FOR PANCHAYAT RAJ & RURAL DEVELOPMENT.**

**Counsel for the Respondent-2: Mr. K.V.Subba Reddy, Advocate.**

**The Court at the admission stage made the following:**

**O R D E R:**

The petitioners seek a writ of Mandamus declaring the resolution No.10 dated 28.3.2005, passed by the 2nd respondent, resolving to construct the Gram Panchayat Office at Kothareddipalem, Gokavaram village Panchayat and trying to proceed with the construction pursuant to the resolution pending disposal of the appeal before the 1st respondent, as illegal and arbitrary.

It is the case of the petitioners that the Government sanctioned a sum of Rs.2.5 lakhs for construction of Gram Panchayat Office for Gokavaram Panchayat village, which is having six hamlets, as there is no Gram Panchayat building and that some vested interested people who wants that the panchayat building to be constructed besides their houses and properties, send proposals for construction of the same at Kothareddipalem. Further, when Kothareddipalem falls under Gokavaram village, the Panchayat office has to be constructed at Panchayat headquarters and not at a remote place putting all the villagers to inconvenience. A representation was made to the District Collector by way of an appeal questioning the resolution passed by the Gram Panchayat on 28.3.2005, which is pending. Pending disposal of the same, the respondents are trying to proceed with the construction of the Gram Panchayat building.

Heard the learned counsel on either side.

The Writ Petition is not maintainable on the ground that if the resolution impugned in the writ petition passed by the 'panchayat' is contrary to the provisions of law or public interest it can be set aside under Section 246 of the Gram Panchayat Act, under which the petition is filed.

The Writ Petition fails and is accordingly dismissed. However, it is open to the petitioner to approach the Government for appropriate relief. No order as to costs.

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*ELIPE DHARMA RAO,J*

21st July 2005.

BCS

ASSISTANT REGISTRAR

To

1. The District Colelctor-cum-District Magistrate, Krishna District
2. Gokavaram Grampanchayat rep by Sarpanch, Sri Vemuri Venkata Krishna, R/o Gokavaram, Bandar Mandal, Krishna District.
3. District Panchayast Officer, District Panchyat Office, Krishna District, Machilipatnam,
4. Two C.Cs. to the G.P. for Panchayat Raj and Rural Development, High Court Buildings, (OUT)
5. 2 C.D. copies.